



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

August 23, 2010

Secretary Nikki R. Jackson

Personnel Cabinet

501 High Street

Frankfort, KY 40601

RE: Proposed Furlough Implementation for Transportation Cabinet

Dear Secretary Jackson:

Please find enclosed per the regulatory requirements set forth within 101 KAR 5:015E the Transportation Cabinet's proposed furlough implementation plan for fiscal year 2010-2011 for your review and approval. Enclosed within these documents are the following:

- The designation of individuals responsible for the oversight and administration of these furloughs with enclosed designation forms
- The proposed manner of how furloughs will be applied to all employees, classified and unclassified
- Any specific flexibility considerations or requests with appropriate justification
- Certifications that furloughs will be applied in compliance with the requirements established by 101 KAR 5:015E
- A copy of the sample notice that each employee will receive at least seven (7) days prior to any period of furlough

If you have any questions regarding this material, the lead contact for Transportation Cabinet's proposed furlough plan is Kellie Watson at 564-4610.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Hancock".

Secretary

Transportation Cabinet

Enclosures



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Enclosures

TRANSPORTATION CABINET FURLOUGH PLAN

I. DESIGNATION OF APPOINTING AUTHORITIES

Pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11 , the Transportation Cabinet has deemed it appropriate to designate additional individuals to be responsible for the oversight and implementation of the proposed furlough plan. These individuals will be responsible for ensuring that notice will be provided to employees, and may accept and review any requests for voluntary furlough or any waivers of formal notices. No other individuals other than those designated in writing have the authority to take such actions related to furloughs. Additionally, these designated individuals will ensure that furlough time is appropriately monitored and taken by Transportation Cabinet employees.

<u>Name of designated employee(s)</u>	<u>Official Title</u>	<u>Specific Org Units For Which Have Authority</u>
Kellie Watson	Executive Director	Transportation Cabinet
Trinta Cox	Deputy Executive Director	Transportation Cabinet

II. APPLICATION OF FURLOUGH DATES

Three (3) Mandated Shut-down Days September 3, 2010; November 12, 2010; May 27, 2011

(OPTION 1)

The Transportation Cabinet Plan complies with the mandatory shut-down days. On these dates, all offices will be closed and all employees, including any contract workers, will not report to work. Written notice has already been provided to each employee of these mandated dates, as previously certified to the Personnel Cabinet.

(OPTION 2)

Part 1: The Transportation Cabinet Plan includes some portions that will not result in a complete shutdown of its operations on the mandatory days based upon the nature of the services provided, and federal requirements. Therefore, the Transportation Cabinet requests an exception be made for continuing operations for the following: rest area facilities, active highway construction projects that require monitoring per federal regulations, Transportation Operations Center, and the Ferryboat in Monroe County. Transportation Cabinet also requests exceptions for employees scheduled for pre-approved professional development and/or travel.

The exception for the rest areas is requested because the days of the mandated shutdown are high travel days within the state, especially Labor Day weekend and Memorial Day weekend, and it is imperative to the travelling public that there is an area to safely break from driving and use the facilities. If the rest areas were closed, it could create unsafe situations for the commercial drivers and other motorists to stop on the side of the road between interstate exits and increase the opportunities for vehicle accidents.

The exception for the active highway construction projects that require monitoring per federal regulations is requested because the Transportation Cabinet is required per the Federal Highway Administration, United States Department of Transportation to inspect and/or monitor all federally funded highway construction projects, or be denied the federal funds. Currently, the Transportation Cabinet has construction inspectors and/or material testers assigned and working on all federally funded active highway construction projects to monitor, inspect, and test the work and materials used by the contractors. Due to the increase in the number of projects, the Transportation Cabinet also has professional services contracts to provide construction inspectors. Therefore, Transportation Cabinet employees or the contracted inspectors must be on-site for the contractors to continue work on the projects. To shut down the projects for the day would be detrimental to the Cabinet and could jeopardize federal funds. The mandated shutdown days are during the height of construction season, and all are trying to meet a deadline of completion established by the contracts and before asphalt plants close for the winter season. The resurfacing program of the Transportation Cabinet has specific deadlines for completion and expenditure of the federal funds, or the Cabinet will not have the federal funds. In addition, shutdown of the projects does not just impact the Transportation Cabinet and its employees but also the working public. The workers of the contractors are affected, as well as the suppliers of materials and equipment. The Transportation Cabinet is requesting that the employees and contracted construction inspectors and material testers assigned to active highway construction projects work on the mandated shutdown days and that the active highway construction projects be permitted to continue working as scheduled.

The request for exception for the Transportation Operations Center is necessary because any Friday, especially a Friday prior to a holiday, traffic on our roadways is at a very high level. This increases the chances for more traffic incidents that can affect the safety of the travelling public on our roadways. The Transportation Operations Center is a single point of contact for any highway incident statewide. Our operators populate the 511 website with all highway incidents, which has had over 400,000 visitors through July of this year, and is usually higher on the holiday weekends. These operators also populate the 511 Travel and Traffic phone system, which has had nearly 350,000 calls through July of this year, and is also higher on holiday weekends. The operators' other duties consist of sending blast emails to many first-responder agencies, including law enforcement, that are helping in the response and clearance of the roadway; making first contacts with the Highway Districts to get appropriate resources to an incident scene for quick clearance; and putting messages on the Dynamic Message Signs around the state to alert motorists, give possible detours, and provide this also includes Amber Alert notifications. The Transportation Operations Center is also staffed with Kentucky State Police employees, but those employees do not perform any of the above functions and are not trained in the 511 systems or message boards, nor do they have the responsibility or knowledge of whom to call at the District Office level to dispatch resources to a highway incident.

The Transportation Cabinet requests exception to shut down on the designated days for the ferry located in southwest Monroe County near the Cumberland County line (an area of the Cumberland River known as Turkey Neck Bend). It is the only link, save a 45—50 mile detour across the river. The ferry operates 24/7 and carries school buses, farmers, emergency service vehicles, and residents who work on one side or the other. It would create a severe disruption for that area to discontinue its use during the designated furlough days.

The requested exceptions will impact a total of 196 full time employees; this number includes 11 Transportation Operations Center operators, 11 ferryboat/deckhands, 4 scheduled for professional development, and 170 construction inspectors and/or material testers. There will also be 15 contracted construction inspectors impacted.

Part 2: For those areas requiring an exception to the shutdown dates, the Transportation Cabinet Plan proposes to implement the required furloughs in the following manner to recognize the mandated savings and implement the required furloughs. All furloughs will be done in compliance with regulatory requirements.

The Transportation Cabinet will require a different day in the same pay period as the designated day for the reduction of hours for the contract workers. This will apply to the contract workers that serve as construction inspectors on the active highway construction projects. The vendors of the contract that provide construction inspection will be given notice by the Appointing Authority stating the specific date within the pay period of the designated furlough day in which the reduction of hours will occur. The individuals that work with assigned construction crews will be copied on notices distributed by the District Office and sent acknowledgment forms to sign. The notices will be given within seven (7) calendar days of the furlough day.

The Transportation Cabinet will require employees that work on designated days as construction inspectors and/or material testers on active construction projects, Transportation Operations Center operators, and the ferry boat operators and deckhands to furlough another day within the pay period of the designated days. All of these employees will be staggered throughout the pay period so that a few will be furloughed each day of the pay period. This enables work to continue as scheduled without

disruption to the public in a safe manner. The notice of the required furlough days will be delivered within seven (7) calendar days of the furlough by the Appointing Authority, along with an acknowledgment form for signature. If the employee is unavailable to receive notice in this manner, the Appointing Authority will send the notice to the employee's home address.

Employees that have been pre-approved for professional development and/or training that cannot be rescheduled will be furloughed on a different day within the pay period. The notice of the required furlough days will be delivered within seven (7) calendar days of the furlough by the Appointing Authority, along with an acknowledgment form for signature. If the employee is unavailable to receive notice in this manner, the Appointing Authority will send the notice to the employee's home address.

The Transportation Cabinet Plan acknowledges the possibility that an emergency situation or exigent circumstance may result in an employee reporting to work during a scheduled furlough day. Such a situation could occur if there is a major highway vehicle accident involving a commercial truck, fatality, chemical spill or other major blockage or cause for traffic delay on an interstate or state road. Other situations could be weather-related such as, wind storms, tornados, snow/ice that could cause downed trees or power lines that would prevent the flow of traffic. Clearing of the road and/or interstates would be necessary to allow traffic to flow, as well as detours around accidents, and other necessary repairs to traffic signals would be needed. The classifications that could be affected are the following: highway equipment operator series, superintendents, transportation engineer technician series, project delivery and preservation branch managers and other executive management leadership.

The Appointing Authorities certifies that they will be responsible for verifying that such emergency or exigent circumstance existed on the particular furlough days impacted.

Three (3) Non-Designated Months
First Pay Periods in October 2010, March 2011, and April 2011

(OPTION 1)

Part 1: For the three (3) non-designated months—October 2010, March 2011, and April 2011—the Transportation Cabinet Plan includes the furlough of all employees during the first pay periods of these months.

Part 2: The Transportation Cabinet Plan addresses the manner in which the assignment of employee furlough hours/days will be made. The plan is to assign days within the first pay period of each of the three (3) non-designated months, to which employees in each office/department will be assigned a furlough day.

The construction inspectors and material testers assigned to active highway construction projects, Transportation Operation Center operators, and ferryboat operators and deckhands will be staggered throughout the first pay periods of the non-designated months just as they are for the designated furlough months. This implementation will allow for the continuation of services to the public in a safe manner.

The Transportation Cabinet Plan acknowledges the possibility that an emergency situation or exigent circumstance may result in an employee reporting to work during a scheduled furlough day. Such a situation could occur if there is a major highway vehicle accident involving a commercial truck, fatality, chemical spill or other major blockage or cause for traffic delay on an interstate or state road. Other situations could be weather-related such as, wind storms, tornados, snow/ice that could cause downed trees or power lines that would prevent the flow of traffic. Clearing of the road and/or interstates would be necessary to allow traffic to flow, as well as detours around accidents, and other necessary repairs to traffic signals would be needed. The classifications that could be affected are the following: highway equipment operator series, superintendents, transportation engineer technician series, project delivery and preservation branch managers and other executive management leadership.

The Appointing Authorities certifies that they will be responsible for verifying that such emergency or exigent circumstance existed on the particular furlough days impacted.

Part 3: The Transportation Cabinet will provide written notice to the employees of these non-designated furlough dates at least seven (7) calendar days in advance of the furlough. The manner by which the Transportation Cabinet will notify its employees is to have the Appointing Authority draft and sign a notice stating the specific furlough date within the first pay period of the non-designated month. The notice, along with an acknowledgment form for signature, will be delivered to employees by the manager or supervisor. If the employee is unavailable to receive notice in this manner, the notice will be sent to the employee's home address. A copy of the sample notice is enclosed with these documents.

III. CONTRACT WORKERS

(Option 1)

Applicable contract workers who are subject to a reduction of hours associated with the furlough plan will have their hours reduced in the same manner as state employees during the non-designated months as described within this plan. The contract workers will be assigned dates specified by the Transportation Cabinet within the first pay period of the non-designated months of October 2010, March 2011, and April 2011 for the required reduction in hours. This method will ensure that contract workers are not working in lieu of state employees and that everyone will have the same time frame for the furlough day and/or reduction in hours.


The contract workers that are working as construction inspectors on active highway construction projects will be staggered throughout the first pay period of the non-designated months of October 2010, March 2011, and April 2011, just as the construction inspector employees of the Cabinet will be. Implementation in this manner will ensure that the construction projects continue as scheduled and that the contract workers are not working in lieu of state employees.

IV. REQUIRED CERTIFICATIONS

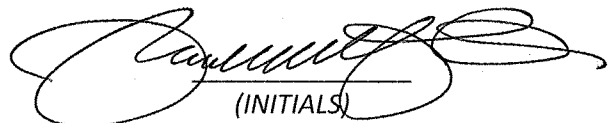
Please certify, by initial of Cabinet or Independent Agency head, that the statements are true:

We will not involuntarily furlough any employee more than twenty-four (24) work hours in a six- (6-) month calendar period, as provided in this subsection:

- Employees regularly assigned to a 40-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-four (24) work hours;
- Employees regularly assigned to a 37.5-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-two and one-half (22.5) work hours, which is the equivalent reduction of hours and corresponding pay; and
- All remaining employees on different work schedules shall be involuntarily furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay, which shall be set forth in the furlough plan provided by the Cabinet Secretary or Independent Agency head and approved by the Secretary of Personnel.


(INITIALS)

We will not involuntarily furlough any employee more than 20 percent of an employee's scheduled work hours in any one work week.


(INITIALS)

Employees will not be permitted to utilize accrued leave balances in lieu of a temporary reduction of hours without pay.


(INITIALS)

During the period of furlough, no contractor will receive either additional duties typically performed by a furloughed employee or work additional hours due to the furlough of a state employee.


(INITIALS)



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

DATE

Employee Name
Employee Address

RE: Notice of Furlough Date

Dear Employee Name:

Pursuant to 101 KAR 5:015E, this correspondence shall serve as official notice that you are to be furloughed on _____. Therefore, your hours will be temporarily reduced without pay on this date and you should not report to work.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact _____ (HR Administrator).

Sincerely,

Appointing Authority

CC: Personnel File



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